

Van Waters & Rogers Inc.
subsidiary of **Univar**

1363 SOUTH BONNIE BEACH PLACE
LOS ANGELES, CA 90023-4001
PHONE (213) 265-8123
FAX (213) 265-8542

January 24, 1992

****EXPRESS MAIL****
PROOF OF DELIVERY
NO. 738529934

Ron Lillich, Acting Chief
Waste Management Branch
RCRA Compliance Section
U. S. Environmental Protection Agency
Region 10, HW 104
1200 Sixth Avenue
Seattle, Washington 98101

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RCRA COMPLIANCE SECTION

Subject: Notice of Violations & Warning
Van Waters & Rogers Inc. - Portland Facility
3950 N. W. Yeon Avenue
Portland, OR 97210
EPA ID #ORD 009227398
Inspection Date: September 24 & 25, 1991

Dear Mr. Lillich:

Van Waters & Rogers Inc. (VW&R), has reviewed the above referenced Notice of Violation and Warning (NOV) and the following is Van Waters & Rogers response to the finding of the September 24 and 25, 1991 inspection:

Our responses are divided into two sections: Inspection findings and other items, using the same paragraph numbers as in the NOV.

I. Inspection Findings

- 1) Section 6.60 of VW&R's Operating Standards Manual concerns empty containers. The standard permits only the pick up empty containers properly prepared for transportation (as those terms are defined by federal EPA and DOT regulations) from customer locations. A copy of this standard is included as Attachment 1 to this response.

VW&R drivers are responsible for the implementation of this standard prior to pick up of empty containers from a customer location. This operating standard will be reviewed with all VW&R Portland employees with responsibility for picking up or handling of empty containers from customer locations at the facility's upcoming February safety meetings on February 19 and 20, 1992.



- 2) VW&R Portland closure issues are being managed by corporate environmental projects staff with federal and state agency oversight. The project manager with responsibility for Portland is examining the current closure plan and will update the plan to reflect the current processes and the resources required to achieve closure. An updated copy will be mailed to your office by March 2, 1992.
- 3) The accumulation area referred to in the Inspection Findings is no longer in use and will not be used in the future. The material formerly accumulated in this area was generated from the on-going corrective measures being managed by corporate environmental projects staff. Under the direction of the responsible project manager, this material has been removed to the 90-day facility self-generated waste storage area. The material has been sampled and the sample and a waste profile have been forwarded to a RCRA authorized treatment/disposal facility for approval. After approval, the material will be manifested and transported to this facility in accordance with applicable regulations.

II. Other Items.

- 1) The log has been modified to reflect your comments. A copy of the new log is included as Attachment 2 to this response. This log will be implemented effective February 1, 1992.
- 2) The spilled white powder was from a trailer which was just off-loaded. VW&R practices a strict clean-up policy where all spilled materials are cleaned up immediately. The vehicle involved was not a VW&R vehicle, but a contract carrier. However, the inside of the trailer was swept up and the trailer was moved to allow for easy access and clean-up of the concrete pad near receiving door #1. The bags which were damaged during transportation causing the spilled white powder and the spilled material were both collected into clear plastic overpack bags and placed into the designated area for off-specification products. We would like to point out and emphasize that our receiving crew was aware of the exact content of spilled material and it's handling requirements.
- 3) The five gallon nitric acid containers have been triple rinsed, shrink wrapped and labeled as "Triple Rinsed, Empty, Out-of-Service, November 6, 1991". The rinsate was collected and discharged to the sanitary sewer in accordance with our permitted POTW.

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VW&R conducts its operations so as to protect the environment and the health and safety of our employees and the community. We are committed to compliance with the laws and regulations governing the management of hazardous waste.

Should you have any questions, please feel free to call me at (213) 265-8543.

Sincerely,

VAN WATERS & ROGERS INC.

A handwritten signature in blue ink, appearing to read 'Mohamed Rizk', written in a cursive style.

Mohamed Rizk
Regional Regulatory Manager
Western Region

jd

attachment

c: John Boik - ODEQ
Ken Weems - VW&R, Portland, OR
Kirk Steinseifer - VW&R, Portland, OR
George Sylvester - VW&R, Denver, CO
Susan Schmid - VW&R, Kirkland, WA



2/12/91 DATE

REFERENCE 6.60

SECTION

SUBJECT

PAGE 1

HAZARDOUS WASTE

EMPTY DRUM ACCUMULATION

of 2

POLICY

Engineering Controls, careful operating practices and continual training and education of employees will be employed to minimize generation of hazardous wastes.

INSTRUCTIONS FOR PICK UP OF EMPTY DRUMS FROM CUSTOMERS

Van Waters & Rogers Deposit drums shall be picked up for reuse.

Customers with single trip containers shall be encouraged to work directly with a NABADA (National Barrel and Drum Association) member to arrange for reconditioning of these single trip containers. We will offer assistance to the customer in arranging for proper disposal if requested to do so.

We shall only take back single trip containers from customers if we sold that container originally to the customer. We shall not take back single trip containers from customers that came from other sources.

Only "empty" containers can be picked up. "Empty" containers are defined by the US Environmental Protection Agency as:

- thoroughly emptied as possible using commonly employed commercial emptying measures; and
- retaining no more than 1 inch (2.5 cm) of residue in the bottom (3% of the original net weight and no liquid dripping out of an opened and upturned drum in ten seconds).

An Empty Drum Certification (Exhibit 1) shall be completed by each customer prior to each shipment. Completion of these Certificates is the responsibility of the customer's sales representative. Retention of these Certificates is the responsibility of the Branch Operations Manager.

All plugs, caps, gaskets, etc. must be tightly in place with no apparent or probable leakage prior to pick up. This applies to both deposit and single trip containers. US DOT regulations require that these containers be handled and shipped as if they contained their original lading.

Branches shall not accumulate an excess of uncleaned, empty containers greater than what can be efficiently processed for reuse at the same or offsite facility (more than one full trailer load or as otherwise approved by Regional Environmental/Operations).

2/12/91 DATE

REFERENCE 6.60

SECTION

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PAGE 2

HAZARDOUS WASTE EMPTY DRUM ACCUMULATION

of 2

Branches shall not accumulate empty single trip containers from customers unless the container is destined for processing by a Van Waters & Rogers approved drum reconditioner (Operating Standards Manual, Section 3.23).

Branches with simple drum washing/pH adjustment facilities shall never wash out any container other than simple acids and caustics that can be safely and legally disposed of in compliance with that location's sewer/disposal permit or restriction.

Empty Drum Certification

I hereby certify that these drums are "empty" as that term is defined in the Environmental Protection Agency regulations, 40 CFR 261.7*, and that they have been properly prepared for transportation under the regulations of the U.S. Department of Transportation, 49 CFR 173.29.**

COMPANY NAME _____
(please print)

Date: _____

(Signature)

*With regard to most regulated residues, EPA's 40 CFR 261.7 says: "A container... is empty if:

- (i) All wastes have been removed that can be removed using the practices commonly employed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating, and
- (ii) No more than 2.5 centimeters (one inch) of residue remain on the bottom of the container..."

For residues of "P-list" products specifically listed by name in 40 CFR 261.33(e), EPA says the container is empty only "if the container... has been triple-rinsed using a solvent capable of removing" the product, or has been cleaned by another method shown to achieve equivalent removal.

**DOT's 49 CFR 173.29 says that all openings on the empty container must be closed, and that all markings and labels must be in place as if the drum were full of its original contents.



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"ATTACHMENT 2"

1	2	3	4	5	6	7	8
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